

REMARKS

Claims 1-10 are currently pending in the present application. In the Office Action dated May 8, 2001, the Examiner asserted various rejections of pending claims as being obvious over a collection of references under 35 U.S.C. 103. For the reasons set forth below, the Applicant maintains that the claims are now in a condition for allowance. As a result, the Applicants respectfully request the Examiner approve the instant application for allowance. In light of the arguments set forth below, the Applicants respectfully request an interview with the Examiner to discuss these issues in an attempt to reach an understanding of the Examiner's reasoning for these rejections prior to the next Office Action entered in this application.

REJECTION UNDER 35 U.S.C. 103

Claims 1-2 and 8-10 stand rejected as being unpatentable over Dworkin. (US 4,992,940) in view of "Sales-force automation comes of age" (referred to by the Examiner as "SFA"), Joseph (US 5,878,401), and Bennett et al. (U.S. Patent No. 4,591,983). Claims 3-7 stand rejected as being unpatentable over "Dworkin, SFA, and Bennett as applied to claim 1 above, and in further view of Lynch et al. Pat. No. 5,708,798" (see paragraph 5 on page 22 of the Office Action). Initially, the Applicants would point out to the Examiner that Claim 1 was rejected using a combination of Dworkin, SFA, Bennett, AND JOSEPH, rather than the combination recited in paragraph 5 of the Office Action. As such, it is unclear to the Applicants whether the Examiner intended to include the teachings from Joseph as discussed on page 5 of the Office Action

with reference to a rejection of Claim 1 within the rejections of Claims 3-7. Alternately, the Applicants do not know whether the Examiner believes that these teachings are found within Lynch to satisfy his burden to teach each limitation recited within every claim within prior art of record that possesses a motivation to combine the teaching with other prior art of record. Because the Examiner expressly acknowledges that the teachings discussed on page 5 that are alleged to be found in Joseph are not present in the other prior art of record, the rejection of claims 3-7 as expressly set forth in paragraph 5 on page 22 of the rejection is improper. While this may have been an inadvertent error on the Examiner in reciting the rejection of Claims 3-7, these claims are otherwise patentable over the prior art of record for the reasons set forth below under either construction of the rejection.

Applicants have amended each of the independent claims to better recite what is regarded as their invention. In this regard, Applicants have added to each of the independent claims limitations expressly reciting that the process of identifying one or more products that most closely correspond to the configured product is a process that utilizes a “combination of values associated with the user-selectable product options: in addition to the configuration rules used to ensure that the identified products corresponds to a buildable product.

Dworkin, SFA, and Bennett each teach systems related to configuring a system based upon set of user input. All three of these systems contemplate the sale of an item which is uniquely configured to satisfy the particular needs of a customer as expressed by a set of inputs. Only Joseph teaches a system for suggesting an alternate pair of shoes, or

similar items that are themselves not a configurable item. Joseph uses a simple assignment of a product class to identify other items to suggest to the customer when the exact product is not available within the seller's inventory. The teachings in Joseph do not teach or suggest determining a product that most closely corresponds to a user-specified configurable product.

In fact, none of the prior art of record teaches or suggests such an process for determining an alternate configured product. As such, the independent claims 1,8-10, as amended, are all patentable over the prior art of record for at least this reason.

In addition to this reason, the Examiner's stated rejections are improper for the additional reason that they fail to properly state a motivation to combine the references. With regards to claim 1, the Examiner rejected the claimed system for facilitating a sale of a product from an inventory of a selling entity using a combination of four (4) separate references: Dworkin, SFA, Joseph, and Bennett. In this rejection, the Examiner identifies all of the deficiencies within the teachings of Dworkin (see pages 4-6 of the Office action) and attempts to satisfy these deficiencies using SFA for the deficiencies stated on page 4, Joseph for the deficiencies stated on page 5, and Bennett for the deficiencies stated upon page 6 of the Office Action. The Applicants respectfully traverse this rejection for several reasons.

First, the Examiner attempts to provide a different rationale for combining each of these three references with Dworkin in order to meet the requirements for a proper rejection under 35 U.S.C. 103. In stating these rationale, the Examiner offers a reason for

adding the teachings from EACH INDIVIDUAL REFERENCE to the system disclosed within DWORKIN. The Examiner failed, however, to suggest why it would have been obvious to one skilled in the art at the time the invention was made to have combined ALL FOUR REFERENCES to create the claimed invention without the use of hindsight. See MPEP 2143.01. The Examiner is required, and has failed, to provide a motivation for adding all four references together as a single combined system as would be required to state a proper rejection.

In addition, Dworkin, SFA, and Bennett teach systems related to configuring a system based upon set of user input. All three of these systems contemplate the sale of an item which is uniquely configured to exactly satisfy the particular needs of a customer as expressed by a set of inputs. Joseph, in contrast, teaches a system for suggesting an alternate pair of shoes, or similar items that are themselves not a configurable item. As such, the sale of shoes, as contemplated by Joseph, is always a take-it-or leave-it proposition. There is simply no motivation in Joseph which suggests the application of such a process to a system that exactly configures products. Similarly, there is no motivation within any other reference to configure a system to something less than a perfect match of the users requests. These approaches teach away from each other and render each set of prior art unsatisfactory for the intended purpose of the other. As such, the claimed system is not obvious in light of these rejections.

Claims 3-7, all depend from claim 1 and as such, all contain the above limitations. The Examiner's rejection of these claims using the addition of Lynch must also be withdrawn as Lynch also fails to remedy the above deficiency in Dworkin. These

dependent claims are therefore patentable over the prior art of record for the above reasons.

CONCLUSION


For all of the above reasons, the Applicants maintain that the claims now pending in the instant application are allowable over the prior art of record. As such, allowance of all pending claims is respectfully requested.

Respectfully submitted,

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, MN 55402
612/332-5300

Date: 8/20/2007

By


Richard J. Gregson
Reg. No. 41,804

AMENDED CLAIMS SHOWING CHANGES

1. (Amended) A computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement, the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity;

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity;

obtaining information regarding a customer's needs related to the selling entity products;

interactively selecting one or more user-selectable product options from a list of user-selectable options to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options; and

identifying from the inventory of the selling entity, using the stored inventory information, one or more available which exactly corresponds to the configured product; when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products:

that most closely correspond to the configured product based upon a combination of values associated with the user-selectable options; and

that corresponds to a buildable product;

wherein the interactively selecting one or more user-selectable product options comprises:

identifying the product option interactively selected;

retrieving the configuration rules associated with the selected product option;

applying the configuration rules to the configurable product; and

altering the list of user-selectable options used to interactively configure a product based upon the configuration rules and the inventory available.

8. (Amended) A computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement, the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity;

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity;

obtaining information regarding a customer's needs related to the selling entity products; and

interactively selecting one or more user-selectable product options from a list of user-selectable options to define a sellable product which satisfies the customer's needs using the stored configuration rules and the stored product inventory information to

constrain selection of the product options to product options available in the available inventory of the selling entity;

when a product that includes the one or more user-selected product option does not exactly corresponds to a sellable product found in the stored inventory information, identifying one or more products:

that most closely satisfy the customer's intended use of the product based upon a combination of values associated with the user-selectable options; and

that corresponds to a buildable product;

wherein the interactively selecting one or more user-selectable product options comprises:

identifying the product option interactively selected;

retrieving the configuration rules associated with the selected product option;

applying the configuration rules to the configurable product; and

altering the list of user-selectable options used to interactively configure a product based upon the configuration rules and the inventory available.

9. (Amended) A computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement, the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity;

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity;

obtaining information regarding a customer's needs related to the selling entity products;

presenting one or more user-selectable product options from a list of user-selectable options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options; and

providing an indication to the user of the computer system, based on the stored inventory information, of whether selection of a particular presented product option, if incorporated into the configured product, would preclude obtaining the product from the available inventory of the selling entity;

when a product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products:

that most closely satisfy the customer's intended use of the product based upon a combination of values associated with the user-selectable options; and

that corresponds to a buildable product;

wherein the presenting one or more user-selectable product options comprises:

identifying the product option interactively selected;

retrieving the configuration rules associated with the selected product option;

applying the configuration rules to the configurable product; and

altering the list of user-selectable options used to interactively configure a product based upon the configuration rules and the inventory available.

10. (Amended) A computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement, the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity;

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity;

obtaining information regarding a customer's intended uses of a product to be purchased;

assigning a corresponding value to each of the customer's uses depending on an importance of the use to the customer, and

identifying, using the stored inventory information and the obtained information regarding the customer's intended uses and corresponding value, one or more products which are in the available inventory of the selling entity and which exactly satisfy the customer's intended use of the product;

when a product that exactly corresponds to that exactly satisfies the customer's intended use of the product is not found in the stored inventory information, identifying one or more products:

that most closely satisfy the customer's intended use of the product based upon a combination of values associated with the user-selectable options; and
that corresponds to a buildable product;
wherein the obtaining information regarding a customer's intended uses of a product comprises:

presenting one or more user-selectable product options from a list of user-selectable options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options;

identifying the product option interactively selected;

retrieving the configuration rules associated with the selected product option;

applying the configuration rules to the configurable product; and

altering the list of user-selectable options used to interactively configure a product based upon the configuration rules and the inventory available.